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2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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5 TRI-VALLEY CARES et al., No. C 03-3926 SBA

6 Plaintiffs, **ORDER**

7 v.

8 DEPARTMENT OF ENERGY et al.

9 Defendants.

10 _____/

11 On October 16, 2006, the Ninth Circuit Court of Appeals issued a memorandum disposition,
12 affirming in part and reversing in part this Court's grant of summary judgment in this case. Accordingly,

13 IT IS HEREBY ORDERED that the case is REMANDED to the Department of Energy for
14 further proceedings consistent with the Ninth Circuit's decision. Specifically, the DOE shall consider
15 whether the threat of terrorist activity necessitates the preparation of an Environmental Impact
16 Statement. *See San Luis Obispo Mothers for Peace v. Nuclear Regulatory Commission*, 449 F.3d 1016
17 (9th Cir. 2006).

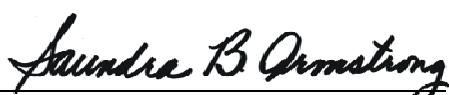
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IT IS SO ORDERED.

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Dated: 10/30/06

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21 SAUNDRA BROWN ARMSTRONG
22 United States District Judge

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